

No. 05-77034

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STANLEY WILLIAMS,

Petitioner,

v.

**S.W. ORNOSKI, Warden, San Quentin
State Prison, San Quentin, California,**

Respondent.

**SUPPLEMENTAL EXCERPTS OF RECORD
(VOLUME I OF III)**

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Transcript of recorded interview by
Los Angeles County Deputy Sheriffs
Barry Jones and William Wilson with
Tony Lee Sims (March 24, 1979)

1 Recorded statement of TONY LEE SIMS, taken at Lennox Station, in an
2 interview room. Present: DEPUTIES BARRY JONES and WILLIAM WILSON,
3 Homicide Bureau, Detective Division, Los Angeles County Sheriff's
4 Department. Investigation under case file number: 079-01607-1575-
5 015.

6 Date: March 24, 1979

Time: 1707 hrs

7 Statement transcribed by Hattie Brice, Transcriber/Typist; finalized
8 by Beverley Buchanan, Statement Reporter.

9 The date is 3-24-79, a Friday. The time is 1707 hours. We're
10 at Lennox Sheriff's Station in an interview room in the Detect-
11 ive Bureau. Present are Deputies Barry Jones and W.A. Wilson
12 And we're here to interview Tony Lee Sims, S-i-m-s. This is an
13 investigation under case file 079-01607-1575-015; it's regard-
14 ind a homicide that occurred at the 7-11 Market, on 2-28-79.
15 And the victim of that homicide was Albert Lewis Owens. The
16 location where this occurred was 10437 East Whittier Boulevard
17 in Whittier.

18 Q Uh, for the record, would you give us, uh, your full name,
19 please?

20 A Tony Lee Sims.

21 Q And how old are you, Tony?

22 A 22.

23 Q Where do you live, Tony?

24 A 655½ West 59th Place.

25 Q Is that Los Angeles?

26 A Yes.

27 Q How long have you lived there?

28 A Uh, four years.

29 Q Who do you live there with?

30 A My mother.

31 Q What's your mother's name?

32 A Louise Sims.

33 Q And do you have some other brothers and sisters that live
34 there with you?

35 A Yeah, I have four sisters and three brothers.

- 1 Q Is that all that lives there in that house?
- 2 A Yes.
- 3 Q Please speak up, because the mike can't see you when you shake
4 your head. Now, we've talked here, uh, for a period of time
5 prior to turning the tape on. Prior to that conversation, uh,
6 I advised you of your rights; is that true?
- 7 A Yes.
- 8 Q All right. Now, at that time, you waived your rights and said
9 that you wanted to talk to me; is that also true?
- 10 A Yes.
- 11 Q I'm going to advise you of your rights again for purposes of
12 this tape. You have the right to remain silent. Anything
13 you say can and will be used against you in a court of law.
14 And you have the right to have an attorney. You have a right
15 to have an attorney present before, or at any time, while
16 you're talking to us. If you cannot afford an attorney, one
17 will be appointed for you, free of charge. Do you understand
18 those rights, Tony?
- 19 A Yes.
- 20 Q Do you want to talk to us about this case?
- 21 A Yes.
- 22 Q Do you want to talk to us about this case now, without an
23 attorney being present?
- 24 A Yes.
- 25 Q I can't hear you.
- 26 A Yes.
- 27 Q Okay. If you take your hand away from your mouth, Tony, maybe
28 it will come out a little clearer on that microphone. Now,
the particular incident that, uh, we want to talk to you about
is an incident that occurred on the -- during the early morn-
ing hours of the 28th of February, 1979. Which is approximate-
ly three weeks ago, uh, on a late Tuesday night, or early Wed-
nesday morning, uh, on an occasion when you were with some
other young men and -- out on the east side of the county; do
you recall that incident?
- A Yes.
- Q All right. What we would like you to do is tell us who you
were with that night.
- A Alfred, Tookie, and -- and I don't know the other person's name.

SIMS, Tony Lee

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- 1 Q All right. By "Alfred," what is his full name?
- 2 A I don't know his full name.
- 3 Q You know him by his street name?
- 4 A Blacky.
- 5 Q All right. How about Tookie, is that a street name?
- 6 A Yeah.
- 7 Q What's his true name?
- 8 A I don't know -- I know it, but I can't think of it.
- 9 Q Stanley Williams?
- 10 A Stanley Williams.
- 11 Q All right. Now, you say there was another, fourth, person with you?
- 12 A Yeah.
- 13 Q You'll have to speak up.
- 14 A Yeah.
- 15 Q And who was the fourth person that was with you? Did you hear
- 16 'em call him by any name at all?
- 17 A I heard 'em call 'em by a name, but I can't recall his name that they call him by.
- 18 Q Earlier did you indicate that you remembered a name that I had
- 19 mentioned in a conversation?
- 20 A Yeah.
- 21 Q Does the name Darryl --
- 22 A Yes.
- 23 Q Is that the name?
- 24 A Yes.
- 25 Q That's your best recollection?
- 26 A Yes.
- 27 Q Okay. How did the four of you happen to get together on that particular night?
- 28 A Well, I was at home in the bed, getting ready to go to court

SIMS, Tony Lee

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- 1 the next morning. And Alfred, Tookie, and Darryl came by the
2 house. Alfred came to the door, and I went outside and we was
3 talking. He ask me, did I know any place to make some money
4 at, and I said, no. And, uh, Tookie and Darryl was in the car.
5 And, uh, I asked him, "Do you know where to get somethin' to
6 smoke at?" said "Yeah." So we went to get some smoke. And
7 while we was in the car, uh, Tookie said he wanted to stop
8 by one of his friends' house so he can get a gun, another gun,
9 cause he needs another gun.
- 6 Q Another gun?
- 7 A Uh-huh.
- 8 Q By "another gun," you mean he already had one gun with him?
- 9 A A shotgun.
- 10 Q Did you see the shotgun?
- 11 A Yeah.
- 12 Q All right. And he wanted to get another gun?
- 13 A Uh-huh.
- 14 Q Who was he gonna get that gun for?
- 15 A For Darryl.
- 16 Q All right. Did you go to another house?
- 17 A Yes.
- 18 Q Where was that house located?
- 19 A Oh, uh, on 111th. I don't know the name of the street, I know
20 it was a block off of Western.
- 21 Q On a 111th? A block off of Western.
- 22 A Uh-huh.
- 23 Q Did you go into that house?
- 24 A No. We went in the backyard. Tookie wanted to see his dog,
25 he had a dog over there.
- 26 Q Tookie had a dog there?
- 27 A And he wanted us to see him. So we went in the backyard
28 where the dog was, and we seen the dog. And Tookie was talk-
ing to the dude that stayed there. I don't know his name,
though. And then, I don't know if they got the gun there or
they might of got it from the other friend cross the fence

- 1 from -- Them went over there and took -- went to the house,
2 and they was -- They had some, uh, Sherman. So we started
3 smoking on some of that. And then, we got back in the car --
4 No. We had went -- No. After we had left my house, we had
5 went over Tookie's house, I guess, on 104th off of Western
6 and got Darryl's car.
- 7 Q Darryl's car?
- 8 A Yeah, the station wagon.
- 9 Q Was it parked at 104th right off of Western, where Tookie lives?
- 10 A Yeah, I guess that's where Tookie stay, on 104th and, uh, what-
11 ever the name of that street you said.
- 12 Q 104th and St. Andrews?
- 13 A St. Andrews, yeah.
- 14 Q On the corner house there?
- 15 A Yeah.
- 16 Q You went over there and that's where the --
- 17 A Darryl's car was.
- 18 Q What kind of a car was that?
- 19 A It was a station wagon. I don't know, cause that's the first
20 time I seen it. I don't know what color it was.
- 21 Q Brand new, shiny one?
- 22 A No, it wasn't brand new. It was old.
- 23 Q An old one?
- 24 A Yeah.
- 25 Q What color was it?
- 26 A Uh, I don't know. I -- might of been -- might of been beige.
- 27 Q A beige color? Was it kind of beat up?
- 28 A Yeah.
- 29 Q You have any idea of what make it was? Chevy? Dodge? Olds?
- 30 anything at all?
- 31 A I think it was a Dodge.
- 32 Q You think it was a Dodge, an old Dodge?

SIMS, Tony Lee

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- 1 A Uh-huh. And so we got in his car -- I mean, Tookie and Darryl
2 got in they car, and me and Alfred was in his car. So we was
3 following them. And Tookie wanted to go by somebody else's
4 house, go get another gun. So we went on 111th right off of
5 Western, right off of Normandie.
- 6 Q 111th and Normandie?
- 7 A Yeah. To get another gun. And Tookie said he had a dog in
8 the backyard, and he wanted us to see it. So we got out and
9 we went in the backyard and seen the dog. And so then we
10 went across the fence to another one Tookie friends' house.
11 And smoking on some Sherman, and then we left from there.
12 And -- And Tookie and Darryl told me and Blacky to follow
13 them, you know, just in case somebody get behind them then
14 we can block 'em off. And, uh, so we followed them and got
15 on the freeway and went out, I don't know where we was. I
16 don't know where we ended up to. But, anyway, we went out
17 there --
- 18 Q You know what freeway you took?
- 19 A He took the, uh, think it was the Pomona Freeway -- think it
20 was the San Bernadino Freeway.
- 21 Q And you went east?
- 22 A Yeah.
- 23 Q Do you know -- Did you get on another freeway after you'd gone
24 east a-ways?
- 25 A I think we got on the Pomona Freeway after went east a-ways.
- 26 Q At some point did you get off the freeway?
- 27 A Yeah.
- 28 Q Do you know what street you got off on?
- 29 A No, I don't know what street we got off on.
- 30 Q Okay. What happened after you got off the freeway?
- 31 A Well, we was riding around, and was following them. And they
32 stopped at a -- a Stop-and-Go -- No. First, they stopped at
33 one store, and I got out and went in the store and got me some
34 cigarettes and some bubble gum. Then we left from that one.
35 And we was riding, and they stopped at, uh, Stop-and-Go, and,
36 uh, me and Darryl went in, and they was suppose to -- Blacky
37 and Tookie was suppose to come in after me and Darryl had
38 went in. I walked to the back, and Darryl was at the front
39 of the store. And I walked back from the back cause there
40 was somebody in there, and just walked out the door and got
41 back the car with, uh, Blacky. And then we left.

SIMS, Tony Lee

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- 1 Q Wh -- What were you wearing?
- 2 A Uh, I had, uh, green, uh, jumpsuit.
- 3 Q Did that have the stripes down the sleeves?
- 4 A Yeah.
- 5 Q Is that an Adidas jumpsuit?
- 6 A Yeah.
- 7 Q You have anything on your head?
- 8 A Yeah, I had a cap on.
- 9 Q What kind of a cap?
- 10 A Golf cap.
- 11 Q What color?
- 12 A Uh, it was green.
- 13 Q All right. How about Darryl, what was he wearing?
- 14 A He had on a beanie cap and, uh, a trench coat, I think it had fur around the collar.
- 15 Q Okay. What color was that, do you know?
- 16 A Uh, I think it was gray.
- 17 Q Uh, like a gray?
- 18 A Uh-huh.
- 19 Q Okay. So when you went into that store -- into that Stop-and-Go Market -- was there any conversation before you went in there about robbing that market?
- 20 A Well, Tookie told us to go in first, and then him and Blacky was gonna come in behind us. So I guess that is what it was about, robbing. But I went in -- me and Darryl went in -- and I walked to the back, and there was somebody in the back.
- 21 Q What did the guy in the back look like?
- 22 A Uh, he was kind of heavyset. I think he had on a brown shirt.
- 23 Q Was he black, white, or --
- 24 A White.
- 25 Q Was he white or Mexican?
- 26
- 27
- 28

- 1 A I'm not for sure, I didn't really look at his face.
- 2 Q But he was heavysset?
- 3 A Yeah.
- 4 Q Was there anybody else working in the store?
- 5 A Uh, yeah, there was two of 'em in the store, and one was in the
6 back and one was in the front. But I walked to the back and he
was back there. Uh --
- 7 Q Did you say anything to him?
- 8 A Not that I can recall, I don't think I said nothing to him.
9 Because, I know I walked to the back, and I -- They had, uh,
soda pops and beer where they keep the beer and stuff, and I
10 looked in the case and I said, "No, they don't have it." And
I walked back to the front and walked out the front door. And --
- 11 Q Did you see any skateboards?
- 12 A No, I didn't see no skateboard.
- 13 Q You didn't ask the man how much the skateboards were?
- 14 A Not that I recall. I don't think I ask him how much the skate-
board was.
- 15 Q Okay. When you walked out of the store, then did Darryl also
16 come out?
- 17 A Yeah, he came out behind me.
- 18 Q Did he buy anything?
- 19 A No, he didn't buy nothing.
- 20 Q Okay. So now, when you got back to the car, what happened?
- 21 A Uh, I walked over to, uh, Alfred's car and got in and told
22 him that it wasn't cool. And, uh, Darryl walked back to his
car. And Tookie was sitting in the car. And so we pulled
23 off, and, uh, we was riding down the street, and Tookie kept
saying, "We got to do somethin'. We got to do somethin'."
- 24 Q How do you know Tookie is saying this if you're in the other
car with Alfred?
- 25 A Because we was riding on the side of each other, I mean, you
26 know, we was behind him and, you know, like somebody roll
down they window and put out -- stick out they hand and tell
27 you to come over to the side.
- 28 Q Oh, I see, and then he would tell you, "We got to do somethin'."

SIMS, Tony Lee

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- 1 A Yeah. And, uh, pulled on the side, and then we pulled up in
2 a parking lot. We had passed the 7-11 Store, and we pulled
3 up in the parking lot.
- 3 Q Of the 7-11 Store?
- 4 A No.
- 5 Q In another --
- 6 A We had passed the 7-11 Store, we was down the street from the
7 7-11 Store. And pulled up in the parking lot, and Tookie kept
8 saying, "We got to do somethin'. We got to do somethin'.
9 Just fuck it, we just go on back and just do this, uh, uh, 7-11
10 Store." So I was telling Alfred, you know, "I -- I don't
11 want it," you know, "I don't want to rob no store. I don't,"
12 you know, "I don't want to do nothing, really." And so we
13 pulled back and parked on the street in front of the 7-11 Store.
14 And I kind of think Blacky was thinking about what I was saying,
15 not doing nothing, you know. And he was trying to tell Tookie,
16 uh, that, uh, "No, we don't want to do nothing." And Tookie
17 kept hollering at him, "Just do what I say. Just do what I
18 say." like that. And Blacky just saying, "All right, man,
19 all right." like that. And so, uh, he said, "Now, this how
20 we gonna do it. We all gonna go in the store, and me and
21 Blacky is gonna take the dude in the back and, uh, you and" --
22 whatever the other dude name is. -- And, uh, he say, we -- "We
23 all gonna go in the store together."
- 24 So we, uh, goes to the 7-11, and, uh, the dude was standing
25 outside sweeping up. And, uh, Darryl asked him -- He wanted
26 to buy some cigarettes, Darryl told him he wanted to buy some
27 cigarettes, the dude said, "All right." So he went in, and we
28 all went in behind him. And he went behind the counter --
- Q Who went behind the counter?
- A The dude that worked at the store.
- Q What did the dude look like that worked at the store?
- A I really wasn't paying attention to him. I -- I think he had
long red hair. I really wasn't paying attention.
- Q Was he white?
- A Yeah.
- Q Had kind of long red hair. Was he tall or short or what, do
you remember?
- A He could of been kind of tall, I don't know, I really wasn't
paying attention. But, anyway, uh, he was behind the counter,
and he was getting the cigarettes. And Darryl -- Wait, wait.
Okay. We all went in, and he was behind the counter. And

SIMS, Tony Lee

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- 1 Tookie and Blacky, as soon as they walked in the door, they
2 walk straight to the back room. And Darryl told him -- pulled
the gun out and told the dude to go in the back room.
- 3 Q Darryl pulled the .22 out?
- 4 A Yeah.
- 5 Q He pulled his revolver out?
- 6 A I don't -- Did he pull it out? I guess he did pull it out,
7 and told the dude to go in the back room.
- 8 Q Then what happened?
- 9 A And then he walked around and, I guess, he got the money and the
cigarettes. And then, uh, I was standing by the door looking
10 at Darryl, and, uh, I heard one shot.
- 11 Q What was Darryl doing when you were looking at him?
- 12 A He was getting the money out the cash register. And -- He was
13 getting the money out the cash register, then, when the shot
went off. And then, uh, I heard one shot, and Blacky came
14 running from out the back and said, "Tookie done shot this
guy." like that. And I said, "Oh, no. So let's go." you
15 know. And as we was running out the door, I heard two more
shots. And so, uh, then Blacky got in the car, and, uh, pull-
16 ed off. And Tookie, them was behind us, and so we let them
catch up with us.
- 17 Q Let's go back for a second, when you got to the door to leave
there, did you see Tookie coming out of the back room?
- 18 A Well, uh, when I got -- when -- okay. When I heard the first
19 shot, Blacky came from out of the back, okay. As Blacky was
coming out from the back, there was two more shots. And as
20 we was going out the door, I looked back and I seen Tookie
coming from the back with the shotgun under his coat.
- 21 Q You could see the shotgun but it was under his coat?
- 22 A No, you couldn't see the shotgun. He had -- He had his coat
on. He had the shotgun stuffed up under his coat.
- 23 Q Holding it under his coat?
- 24 A Yeah. And we was getting in the car, me and Blacky was getting
25 in the car, in his car. And, uh --
- 26 Q By the way, what kind of car does Blacky have?
- 27 A A '69 Cadillac.
- 28 Q What color is that?

SIMS, Tony D.

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- 1 A Uh, brown with a black top.
- 2 Q Okay.
- 3 A Don't think he have it no more, though, I don't think so. And,
- 4 uh, after that, uh, we got in the car. And, uh, Tookie and
- 5 Darryl came out the door and they got in the car. And me and
- 6 Blacky was pulling off. And we was pulling off, and then we
- 7 let them catch up with us. And Tookie kept hollering, well --
- 8 cause we didn't have no gas, we didn't have enough gas to make
- 9 it back home. And so Tookie said, "Well, let's go to the gas
- 10 station right now." So we goes to the gas station, and --
- 11 Q Now, how did you get to the gas station?
- 12 A We drove to the gas station.
- 13 Q Where? Where was the gas station?
- 14 A I don't remember what gas station it was. All I know is we
- 15 just drove to a gas station. I guess it must of been on the
- 16 way leaving from the store.
- 17 Q Was that on the freeway, or did you get on the freeway before
- 18 you went to the gas station?
- 19 A Yeah.
- 20 Q Then you got back off the freeway?
- 21 A Yeah, we had got on the freeway, then we got off the freeway
- 22 at the gas station.
- 23 Q Do you know what kind of gas station it was?
- 24 A It was self-service, but I don't know what the name of it was.
- 25 Q How many attendants were at the gas station?
- 26 A One.
- 27 Q One attendant?
- 28 A Uh-huh.
- Q What was his race?
- A Wait, what's race? He was white. I don't know if it was a
- lady or whatever.
- Q You don't remember if it was a lady or a man? What time of
- the morning was this now, when all of this was going on?
- A Uh, it was about 4:00, maybe 5:00.

SIMS, Tony Lee

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- 1 Q Somewhere around 4:00 or 5:00 in the morning? Can't hear you.
- 2 A Yeah.
- 3 Q Okay. You have to speak up cause the tape won't pick up your head shake.
- 4 A I'll try. And so --
- 5 Q Did you have some conversations while you were at that gas station?
- 6 A Yeah. I went over to, uh, to the station wagon, and I asked him, was -- I asked Tookie, I said, "What you do?" He say, "I killed him," like that. And I say, "Why you kill him?" He say, uh, "So it wouldn't be no evidence."
- 7 Q So there wouldn't be any evidence?
- 8 A Yeah, somethin'. He said somethin' like that. And so I said, uh, -- I didn't say nothing else to him. And he kept saying, "Well, we" -- "we gonna do somethin' else." you know, do somethin' else. I say, "No, uh-uh." I say, "I can't do nothing. I'm not doing nothing cause I got to go to court in the morning."
- 9 Q When he said he wanted to do something else, are you telling me that after killing this guy he wanted to go rob someplace else?
- 10 A Yeah.
- 11 Q Okay. Go ahead.
- 12 A And so after that, uh, got in the car -- No. We got the gas.
- 13 Q Did you need gas in your -- in both cars?
- 14 A Yes.
- 15 Q Okay.
- 16 A And we got the gas. And, uh, Blacky -- I told Blacky that, uh, I wanted to get somethin' to smoke cause I had to go to court tomorrow, and I didn't know what was gonna happen. So I told him I wanted to get somethin' to smoke, so he said "All right." So he took me back over there and didn't nobody answer the door.
- 17 Q Where was that?
- 18 A On 111th and -- back a 111th and Normandie.
- 19 Q Where he had gone to see his pit bull?
- 20 A The first time, yeah.

(51)

- 1 Q Okay.
- 2 A And so we went back over there. And then, uh, didn't nobody
3 answer the door. And so Tookie kept saying he wanted to do
4 somethin' else. And I told him I wasn't doing nothing, you know.
- 5 Q You mean he's still talking, after you get back there, he's
6 still talking about going robbing someone?
- 7 A Right. He's somethin' else.
- 8 Q All right. At that time, did he tell you how much money he
9 gotten out of the market there?
- 10 A Uh-uh. He -- he said -- He said sixty-some dollars.
- 11 Q Sixty-some dollars?
- 12 A Yeah. And I said, well --
- 13 Q Who did you see coming out of that store with the money?
- 14 A I didn't see nobody coming out the store with the money.
15 Darryl had the money though.
- 16 Q How do you know?
- 17 A Got to the gas station -- Cause he paid for the gas and stuff.
- 18 Q So Darryl had gotten the money?
- 19 A Yeah.
- 20 Q Did they offer you any of the money?
- 21 A That's what I'm saying now. That's what I'm gonna tell you
22 now. After we had got back to that, uh, the other place where
23 I was telling you what I told Blacky I want to go get some-
24 thin' to smoke. So we got back there. He acted like -- Tookie
25 acted like -- Cause I told him that I didn't want to do nothing
26 he acted like he didn't want to give me nothing, you know.
27 So I said, "Yeah, all right then." So it was some sixty
28 dollars, and it was four of us. So he said, "Well, here," he
said, "I'm gonna give you this \$3.00," like that, "since you
don't want to." you know. "And we gonna go out and make us
some money, and you can go on and go to bed." like that. And
so I told him, I said, wh -- "What you talking about, you gonna
give me \$3.00?" And so he said, "Well, uh, uh, here is thir-
teen." So I said, "All right." So he gave me \$13.00.
- Q He gave you \$13.00?
- A Yeah.
- Q Who gave you that money?

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- 1 A Tookie.
- 2 Q Okay. Go ahead.
- 3 A So I put the \$13.00 in my pocket. And Blacky told Tookie, he
4 say, "Well, uh, he can't do nothing, man, cause he got to go
to court in the morning." like that. So Tookie said, "All
5 right. Well, go on and take him home then." So uh --
- 6 Q Did -- Did he gave Blacky any money?
- 7 A Not that I know of, no. They -- He was saying, "Well, the
8 rest of this money we gonna -- we gonna keep this and eat off
of, to get us somethin' to eat. And, uh, we gonna go do some-
9 thin' else." I told Blacky I was gonna go to bed. Blacky
10 said, "Yeah, he better go to bed, too." He say he don't know
what this fool is talking about, like that. And, uh, so
11 Blacky dropped me off at home. And I say, "Well, I'll talk
to you tomorrow, man, if I come out of court and everything."
He say, "All right." So I talk to Blacky the next day, and I
12 asked him did they do anythin' else. And he said he didn't
know. He say he went on and went to bed.
- 13 Q All right. Now, since that time, have you seen --
- 14 A I haven't seen Tookie or Darryl since that time.
- 15 Q You haven't seen either one?
- 16 A No.
- 17 Q Is that first time you had ever met Darryl?
- 18 A Yeah.
- 19 Q Describe Darryl for me.
- 20 A Uh, he's kind of light. And I'm not -- I think he had, uh,
uh -- What you call this?
- 21 Q Chopped like, uh --
- 22 Q Porkchops?
- 23 A He had hair right here.
- 24 Q Sideburns or --
- 25 A Yeah, sideburns.
- 26 Q Long sideburns?
- 27 A Yeah, he had long sideburns.
- 28 Q Like a beard, but not a full beard?

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- 1 A Yeah. And, uh --
- 2 Q How tall was he?
- 3 A Uh, he's taller than me. So I'm 5'7", so I would say he about 5'8", maybe 5'9", might be taller than that.
- 4 Q Was he heavy or thin or medium or could you tell?
- 5 A I couldn't really tell cause he had on this big thick coat.
- 6 But I don't -- I don't think he was too big, you know, like that
- 7 Q He wasn't big like Tookie is?
- 8 A No.
- 9 Q How old would you say he was?
- 10 A Uh, I don't know, maybe he was in his twenties. I don't know.
- 11 Q Early or late, do you know?
- 12 A I don't know. Like I say, I don't even know him really, that was my first time seeing him.
- 13 Q Looking at him, would you say he's in the same age range as
- 14 the guy -- the other guys you were with; Blacky and Tookie?
- 15 A Yeah.
- 16 Q In his early to middle twenties?
- 17 A Yeah. He'd be about in his -- about maybe 23, 24. I don't know.
- 18 Q Was he a friend of Tookie's?
- 19 A Yeah.
- 20 Q Did -- What did Tookie call him?
- 21 A Darryl.
- 22 Q Did you ever hear Tookie call him "Homeboy"?
- 23 A Um, no, uh-uh.
- 24 Q Have you -- And you've never seen him since?
- 25 A No.
- 26 Q If you saw him again, would you know who he is?
- 27 A I don't know, maybe and maybe not; I don't know.
- 28

- 1 Q All right. Since this thing has happened, since this has gone
2 down, have you discussed with any of the people that were in-
3 volved in it what happened that night?
- 4 A Nobody but Alfred.
- 5 Q What did Alfred think about what had happened?
- 6 A The same thing I think about it.
- 7 Q What do you think about it?
- 8 A Stupid, it's dumb.
- 9 Q Did you think there was any reason why he had to kill that boy?
- 10 A No.
- 11 Q Have you ever been with him when he killed anybody else?
- 12 A No.
- 13 Q Did you know when you went into that market with him that he
14 was gonna kill somebody?
- 15 A No.
- 16 Q If you had known that he was gonna kill that guy, would you
17 have gone in the market with him?
- 18 A No.
- 19 Q Do you think Alfred would?
- 20 A I don't think so.
- 21 Q Was Alfred kind of afraid of him?
- 22 A I think he is, the way Tookie was talking to him -- Cause I
23 had told Alfred that we sh -- just go on book up, and Alfred --
- 24 (End of Side I, Tape I)
- 25 Q Changed sides on the tape. Okay, go ahead.
- 26 A Then he was kind of like me, he didn't want to do nothing.
27 And so he was -- he -- Okay. Like I say, when we first went
28 to the 7-11, uh I tell -- I had told Alfred, I said, "No, man,
we shouldn't do this." you know, like that. He say, "Yeah, I
hear you." And he -- He was starting to tell Tookie somethin'.
And I guess Tookie was kind of saying that he was kind of, you
know, trying to cheese up or whatever, you know, didn't want
to do it. So Tookie started hollering at him, you know, say-
ing, "Just do what I tell you. Just do what I tell you."
And Blacky say, "All right, man, all right." just like that.

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- 1 Q So Tookie has the shotgun, right?
- 2 A Yeah.
- 3 Q Okay. Uh, who all have you told about what happened that night?
- 4 A I haven't told nobody.
- 5 Q Nobody? Can't hear you?
- 6 A I ain't told nobody.
- 7 Q Did you expect that we would be looking for you for this thing?
- 8 A Well, uh, after Tookie had told us that he had shot out the camera, then I didn't know, you know.
- 9 Q He told you he shot out the camera?
- 10 A Uh-huh.
- 11 Q So he said he shot the guy twice, and he shot the camera?
- 12 A Uh-huh.
- 13 Q So then, you figured maybe you were away clean?
- 14 A Well, I didn't think nobody, you know, would know about it, like that, unless somebody said somethin'.
- 15 Q That, uh --
- 16 A I knew, you know, like if the camera had took a picture of us, then I know that, uh, it wasn't no way we was gonna get away with it.
- 17 Q All right. When -- You're saying that the four of you went there. And you went along out there, but all of you knew that the reason you were going to stop at that market was to rob the boy that was out sweeping it -- that sidewalk; isn't that true?
- 18 A Well, see, like I'm saying, uh, me and Blacky wasn't really planning on going in the store at all, period, from the jump street. That's why I guess Blacky had drove his car and they had drove another car. Cause when we was riding, he was telling them that they was suppose -- they -- Blacky told them that they go on and rob the place, and just in case anybody try to follow 'em, or somethin', we would get behind them, you know, behind -- behind Tookie, them, so nobody could see the license plate, like that.
- 19 Q Did you ever see the license plate on that car?
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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- 1 A You mean the station wagon? No, I didn't pay no attention to it.
- 2 Q Did you see any of the numbers on it or anything?
- 3 A No.
- 4 Q Ha -- Have you seen that car since?
- 5 A No. Like I say, I've been going to school and trying to find me a job. I ain't had time.
- 6 Q Were they California plates, or were they out of state?
- 7 A I don't know.
- 8 Q What kind of shoes did you wear that night?
- 9 A Uh, I think I had on some croakasacks.
- 10 Q Some what?
- 11 A Croakasecks.
- 12 Q What are they?
- 13 A Easy walkers.
- 14 Q What kind of soles they got on them?
- 15 A Rough sole.
- 16 Q A pattern?
- 17 Q What kind of a pattern?
- 18 A Yeah.
- 19 Q How about Tookie, what kind of shoes did he have on?
- 20 A I don't know. I think he had on some boots.
- 21 Q Boots?
- 22 A Army boots like.
- 23 Q Who had the tennis shoes on?
- 24 A Think Alfred had on some tennis shoes.
- 25 Q Alfred had tennis shoes on. What color were they?
- 26 A Uh, think they was black.
- 27 Q And you don't know what kind of a service station that was
- 28

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- 1 where you pulled the cars in? Pardon?
- 2 A No.
- 3 Q And you don't know where, on what street, that service station is located?
- 4 A No, I don't.
- 5 Q Was it right off the freeway?
- 6 A I think it was off the freeway because, after we got on the freeway -- Oh, when we was on the freeway, you could see the gas station off of the freeway. So it probably was right off the freeway.
- 8
- 9 Q Do you remember what kind of a sign was out there?
- 10 A No. Like I say, I was just riding.
- 11 Q Did either you or Alfred ever have a weapon on you that night?
- 12 A No.
- 13 Q Just Darryl --
- 14 A Tookie. Like I say, I don't even know why I got mine in the car from the jump street.
- 15 Q What does that shotgun look like of Tookies?
- 16 A It was pump and didn't have no end.
- 17 Q The stock was cut off?
- 18 A Yeah.
- 19 Q Is there anything around the area where the stock was cut off?
- 20
- 21 A I don't know. I think it had tape behin -- around it, though.
- 22 Q Have you seen him with that gun before?
- 23 A Uh-uh.
- 24 Q The first time you ever saw it? Can't hear you.
- 25 A Yeah. Uh, ain't seen him in a while, too.
- 26 Q See any ammunition?
- 27 A No. Told me he had it loaded; nine rounds, I think.
- 28 Q How many?

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1 A Nine, I think.

2 Q You think he said nine rounds?

3 A (unintelligible) rounds.

4 Q Do you have anything else?

5 Q No, nothing.

6 Q Okay. Has everything you've told us now the truth, as best you can remember it?

7 A It's the truth on my behalf, yeah.

8 Q All right. Some time later on, if you were called, uh, to
9 testify in court under oath to what you told us now, would
10 you say anything substantially different then, than you have
right now?

11 A No, because -- Hey, no. I got too many things I'm trying to
12 do. I don't need the jailhouse, so therefore...

13 Q Okay. We'll end this interview at 1746 hours.

14

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Excerpts from reporter's transcript in
People v. Tony Sims,
Los Angeles County Superior Court
case number A194636
(pages 164 through 170)

SER 21 - 27

1 THE COURT: All right.

2 MR. BROADY: I'd like to call Mr. Sims.

3 D E F E N S E

4
5 THE COURT: Mr. Sims, would you come forward, please.

6 TONY SIMS,

7 defendant herein, called as a witness on his own behalf, was
8 sworn and testified as follows:
9

10 THE CLERK: Raise your right hand, please.

11 You do solemnly swear that the testimony you may give
12 in the cause now pending before this Court shall be the truth,
13 the whole truth, and nothing but the truth, so help you God.

14 THE WITNESS: Yes.

15 THE CLERK: Be seated in the witness box, please. State
16 your name and spell your last name.

17 THE WITNESS: Tony Sims, S-i-m-s.

18 DIRECT EXAMINATION

19
20 BY MR. BROADY:

21 Q Mr. Sims, I want to direct your attention to the state-
22 ment and the event -- the statement given on the 23d of March,
23 1979; also, the events that took place on the 28th of February
24 and the 29th of February 1979, relative to this case here.

25 Now, do you recall being arrested in connection with
26 this case, Mr. Sims?

27 A Yes.

28 Q Do you recall giving a statement to the previous

1 witness who testified here in court by way of tape recorder?

2 A Yes.

3 Q Did you talk to the officer just before the tape
4 was turned on?

5 A No.

6 Q Did you make any statements at all before the tape
7 was turned on as far as you recall?

8 A No.

9 Q So, I take it, the total statement you gave was the
10 one that's been played here in court; is that true?

11 A Yes.

12 Q Now, you recall telling the officers --

13 Do you recall going into a place called the Stop-and-
14 Go Market out in Whittier?

15 A Yes.

16 Q And do you recall telling -- Did you make a state-
17 ment to Alfred after you got back inside the car?

18 A Yes.

19 Q Do you recall on the tape indicating that you told
20 Alfred it wasn't cool?

21 A Yes.

22 Q What did that mean, sir?

23 A It was meaning that I really didn't want to go in
24 the store from the first place, but, I was just trying to tell
25 him something, you know, just to keep him from knowing that I
26 didn't want to go in it, because I didn't know if he would go
27 back and tell Tookie, or not.

28 Q So you told Alfred in your car you were in, it was

1 not cool, and you were doing this to throw Alfred off?

2 A Yes.

3 Q Did you have a statement -- strike that.

4 Did you have a conversation with Tookie about the
5 Stop-and-Go Market?

6 A No.

7 Q Did you ever tell Tookie that the -- that Darryl
8 would not draw his gun, would not pull his gun?

9 A No.

10 Q Now, going on, sir, to the 7-Eleven Market, do you
11 recall the position of the cars before they parked on the
12 7-Eleven parking lot?

13 A Yes.

14 Q And where was Alfred's car parked?

15 A It was parked on the side street. Alfred's car was
16 facing the 7-Eleven, and Darryl and Stanley's car was going --
17 facing the other way.

18 Q That's the side street you saw here in court on that
19 particular diagram we had here before the Court?

20 A Yes.

21 Q Did you make any statements to Alfred about your
22 desire or your intent in connection with the robbery of the
23 7-Eleven store?

24 A I don't understand.

25 Q Well, you recall telling the police, the officer who
26 took your statement: "I don't want it; I don't want to rob no
27 store. I don't, you know, I don't want to do nothing, really"?

28 A Yes.

1 Q What did you mean by that?

2 A I was telling him I didn't want to go in the store.
3 I don't -- I don't like to do robberies, rob people and stuff.

4 Q You did go inside the store?

5 A Yeah.

6 Q Now, is it true that -- strike that.

7 Did Stanley Williams say anything to Alfred in your
8 presence before you went inside that store?

9 A Yes.

10 Q What was said?

11 A I had told Alfred that I didn't want to go in the
12 store, and I told him to tell Stanley that we wasn't going in
13 the store. So when Stanley came over to the car, I guess
14 Alfred was getting ready to tell him, and Stanley said, "Well,
15 just do what I say; I'm calling the shots. Just do what I say.
16 We're all going in the store."

17 Q Did you interpret those words, with your state of
18 mind, that Stanley was talking to you?

19 A Yes.

20 Q And did you do what he said? Did you go inside the
21 store?

22 A Yes.

23 Q Why did you go inside?

24 A Because I was scared of him.

25 Q Scared of who?

26 A Stanley.

27 Q Why were you afraid of Stanley?

28 A Because of the type of person he is.

1 Q What do you mean by that, sir?

2 A Violent.

3 Q Well, violent; what do you mean by violent?

4 Why were you afraid of him?

5 A Because I knew if I wouldn't have went in the store,
6 he probably would have did something to me.

7 Q Like what?

8 A Like killed me, or something.

9 Q Now, you heard Mr. Coward testify -- Alfred Coward --
10 here in court; is that right?

11 A Yes.

12 Q To your knowledge -- strike that.

13 Did you know this fellow Darryl?

14 A No; I didn't.

15 Q Had you seen him on any occasion before this parti-
16 cular day?

17 A No; I haven't.

18 Q Now, you heard Coward testify that you and Darryl went
19 into the 7-Eleven store and he came in, I believe, two minutes
20 later.

21 Do you recall that testimony?

22 A Yes.

23 Q You told the officers all four of you went in. Do
24 you remember that?

25 A Yes.

26 Q Together?

27 A Well, we was all four in the store, but me and Darryl
28 went in the store first. As soon as Darryl went in the store, he

1 jumped over the cash register, and I was standing in between the
2 cash register and the front door, and --

3 Q Did you and Darryl and Stanley and Alfred go in
4 together? or was it like Alfred said, you two went in first?

5 A Me and Darryl went in first and they came in behind
6 us.

7 Q Did you see a .22 handgun pulled out by Darryl?

8 A No; I didn't.

9 Q You told the police -- did you not? -- that you saw
10 him pull a gun.

11 A I don't remember.

12 Q What's your best recollection now, sir? How did this
13 happen?

14 Did you and Darryl go inside first and, then, the
15 other two came in behind you?

16 A Yes; me and Darryl went in first.

17 Q Did you see any guns while you were inside at the
18 cash register?

19 A No.

20 Q Did you see any guns at all while inside any place?

21 A No.

22 Q Did you hear any shots?

23 A Yes.

24 Q Where did the shots appear to come from?

25 A From the back room.

26 Q Did you see Mr. Owens go toward the back room when
27 you were inside the store?

28 A Yes.

1 MR. BROADY: I have no further questions.

2 THE COURT: Thank you.

3 You may cross-examine.

4 CROSS-EXAMINATION

5
6 BY MR. MARTIN:

7 Q Mr. Sims, do you remember telling Deputy Wilson that
8 Alfred Coward came to your house?

9 A Yes.

10 Q And Alfred Coward asked you did you know any place to
11 make some money at?

12 A Yes.

13 Q And isn't it a fair statement to say that once you
14 went with them, you knew they were going to try to get some
15 money?

16 A No.

17 Q In other words, you didn't know that?

18 A No; because when Alfred asked me did I know to make
19 some money, I told him no.

20 Q You told him no?

21 A Yes.

22 Q But then you went with him; right?

23 A Yes. At this time I didn't know Stanley and Darryl
24 was in the car.

25 Q Okay. Now, when you stopped at the Stop-and-Go
26 Market, isn't it a fact that you told Deputy Wilson that you
27 went in the store?

28 A Yes.